

TO THE

PRESIDENT AND COUNCIL OF THE ROYAL
COLLEGE OF SURGEONS IN LONDON,

ON THE

UNPROFESSIONAL CONDUCT OF MR. LISTON.

MR. PRESIDENT AND GENTLEMEN,

Most reluctantly I come before you in the character of a complainant, more especially as the gentleman whose conduct I must arraign is a member of your honourable Council.

It may still be in your recollection that, in the month of March 1841, I addressed a note to many of the leading members of the profession, inviting them to witness and investigate the effects of extirpation of enlarged tonsils, and also of the uvula, in certain cases of Stammer and defective speech. In the course of my professional practice, I had frequently performed the former of these operations for the cure of deafness. For this I claim no merit. It had frequently been done with the same intention. Neither was the latter operation novel. Both, in short, had long been recognised as minor surgical operations. The only novelty consisted in their application to the treatment of Stammer, and that I freely own was the result of accident.

In some cases in which Deafness and Stammer were associated with enlarged tonsils, and an elongated or thickened uvula, I found that on the removal of these morbid conditions, not only the deafness, but the defective speech was cured or relieved. The observation of this fact led me to direct my attention to Stammer ; and after the treatment of numerous cases, with more or less success, I gave the result of my researches to the profession ; and in selecting the mode of doing this, I consulted the feelings of the profession, my own duty as a member of the College, and altogether waived my personal interest.

Among others whom I invited to be present were Sir Benjamin Brodie and Mr. Robert Liston. I have preserved the replies of these gentlemen. The first, from Sir Benjamin Brodie, is remarkable for its gentlemanly and candid tone. It is as follows :—

“DEAR SIR,

“14, Saville-row, March 8, 1841.

“I thank you for your invitation, and am sorry that I cannot avail myself of it. It will give me great pleasure to learn that your efforts to cure so great a calamity prove successful.

“Your faithful servant,

“B. C. BRODIE.”

The second reply is more brief. It is from Mr. R. Liston.

“Mr. Liston presents his compliments to Mr. Yearsley, and regrets he cannot be present at his meeting to-morrow.

“5, Clifford-street, March 2, 1841.”

Upwards of five hundred medical men did, however, witness my operations ; and I may say that almost every one was struck with the surprising success which appeared to attend them.

The consequence of this discovery to myself has been a very great influx of patients with Stammer and other defects of speech. The fact of my having thrown open my doors to the profession contributed, no doubt, to this result, for many of them sent me patients, and some even entrusted members of their own family to my care.

That the new practice, like every novelty, should meet with enemies, might be expected ; but that the operations in question should be termed “unwarrantable incisions,” and “horrible mutilations,” and that such epithets should be applied to them by a member of the Council of the College of Surgeons, will, I conceive, excite your surprise and astonishment.

In the *Literary Gazette* for March 6th, there is a pretended review of my recent publication “On Deafness, from Morbid Conditions of the Mucous Membrane,” &c. &c. The editor departs from the fair line of criticism to denounce my operations for stammering, concerning which the book has not a single word ; and not content with grossly libelling me himself, and attributing to me the most monstrous absurdities, calls Mr. Liston to his aid.

“This gentleman’s (Mr. Yearsley’s) mania (says the editor) for cutting away the organs of speech and hearing for stammering and deafness, appears to us to be quite horrible. We refer for confirmation of our opinion to as high an authority as lives.” See p. 161, col. 2. E. L. G. ; and upon turning to the page indicated, I find the following testimonial :—

“5, Clifford-street, March 1, 1842.

“I have, with much pleasure, witnessed Mr. Hunt’s process for the removal of stammering. It is founded on correct physiological principles ; is simple, efficacious, and unattended by pain or inconvenience. Several young persons have, in my presence, been brought to him for the first time ; some of them could not utter a sentence, however short, without hesitation and frightful contortion of the features. In less than half an hour, by following Mr. Hunt’s instructions, they have been able to speak and to read, continuously, long passages without difficulty. Some of these individuals had previously been subjected to painful and unwarrantable incisions, and had been left with their palates horribly mutilated, hesitating in their speech, and stuttering as before.

“ROBERT LISTON.

“Mr. Hunt, 224, Regent-street.”

The language of the testimonial is only a repetition of the attacks in the *Literary Gazette*. I feel assured, therefore, you will think me

justified in writing to Mr. Liston the following note, after the perusal of the testimonial :—

“Mr. Yearsley presents his compliments to Mr. Liston. Mr. Yearsley’s attention has been drawn to a testimonial published in the current number of the *Literary Gazette*, and stated to emanate from Mr. Liston in favour of a Mr. Hunt, who professes to cure stammering by some elocutionary process. In this testimonial it is asserted that Mr. Liston saw certain persons relieved of impediment who had previously been ‘subjected to painful and unwarrantable incisions, and had been left with their palates horribly mutilated, hesitating in their speech, and stuttering as before.’

“As Mr. Yearsley originated his operations upon the throat and palate, not from mere theory, but from actual experience, for the relief of certain varieties of Stammer, dependant on physical obstruction ; and as similar language to that employed by Mr. Liston has been directed against Mr. Yearsley personally by the soi-disant professors of elocution for some months past, by public advertisement, he begs to know whether the patients alluded to owe the alleged mutilations to operations performed by him ?

“In order to ascertain the final results of treatment, Mr. Yearsley has forwarded a copy of the enclosed circular* to each of his patients, and has yet to find one ease in which he has inflicted inconvenience or injury, even where no advantage has been derived.

“29, Sackville-street, March 11, 1842.”

Receiving no answer, I again wrote—

“SIR,

“On Saturday morning, the 12th instant, I sent you a note, upon a subject which appeared to me calculated to compromise my professional reputation. May I beg the favour of an answer in the course of to-morrow.

“I am, Sir, your obedient servant,

“29, Sackville-street, March 14, 1842.”

“J. YEARSLEY.

Time wore on without bringing me any reply from Mr. Liston. My letter had laid him under an imputation most nearly affecting his honour. His testimonial had been made, either with or without his connivance, the handle of aspersions on myself, or, at all events, on the operations I had originated, of the grossest kind. On his own words alone had been reared a tissue of falsehood and unmerited calumny. I gave him an opportunity of setting himself right by acknowledging that his testimonial had been turned to improper uses, or of allowing me to adduce evidence for the correction of his judgment, if that had led him wrong. But his silence was a tacit refusal to accord me either the one or the other mode of justice.

* “29, Sackville Street, Piccadilly.

- - - - - months ago I performed an operation on you for the relief of an Impediment in Speech. I shall esteem it a great favour if you will make me acquainted with the results up to the present time ; and as to its—

Effect upon the impediment,

Effect upon the strain or pain with which it is generally accompanied,

Quality and power of the voice,

Compass, or range of the voice,

Distinctness of articulation,

Swallowing and breathing,

Susceptibility to cold,

General health.

“These, and any other particulars, are only required to enable me to draw up correct statistical details of the results of my operations, and not with any view to the publication of particular cases.

“I am, yours, very obediently,

“JAMES YEARSLEY.”

I may ask, was this conduct indicative of an honourable mind, which, feeling a stain like a wound, would have lost not a moment in repairing an injury unjustly or unconsciously inflicted? Was it the behaviour of one who felt himself above all shadow of suspicion of having acted with intentional injustice? Above all, was it honourable to the head or heart of one who, on taking office as a member of the Council of the College of Surgeons, bound himself by the most solemn obligation "to demean himself honourably in the practice of his profession, and to the utmost of his power maintain the dignity and welfare of the College?" or of one who, on the same occasion, swore "not to advertise or publish anything prejudicial to the interests, or derogatory to the honour of the College, or disgraceful to the profession of surgery?"

My first impulse, under the wrong from which I suffered, was to resent Mr. Liston's conduct to the utmost, and endeavour, as I felt I had the means, to convict him, in the eyes of the world, of a false and malicious slander. On mature consideration, aided by the counsel of friends on whose judgment I rely, I came to the determination of submitting the whole matter to a more impartial tribunal than Mr. Liston's sense of justice, or my own feelings—to your own honourable body, from whom I feel secure of fair and candid treatment.

Mr. President and Gentlemen,—I read in the regulations "that the College will at all times protect and defend every member who may be disturbed in the exercise and enjoyments of the rights, privileges, exemptions, and immunities acquired by him as a member thereof."

Relying on this liberal and just regulation, nothing would give me more pleasure than that my operations and their results should be made the subject of your most rigid scrutiny, either by examining the subjects of them yourselves, or the medical gentlemen, members of the College, who witnessed them. If, in any instance, they have been "horrible mutilations," "unnecessarily severe," "sanguinary," or "unwarrantable," let me receive the full measure of your disapprobation and censure. If, on the other hand, they have been such only as you yourselves have, under the same or other circumstances, performed—if cure in some, amelioration in others, and injury in none, have been the result, I would claim the expression of your sympathy with me, under a gross act of unprovoked injustice.

Whether Mr. Liston has demeaned himself honourably as a member of the Council, in encouraging quackery, by giving a testimonial in favour of a *secret*, and therefore empirical, process, which nobody knows better than Mr. Liston, *is of merely temporary service*, I

leave to your consideration. The more immediate object of my appeal is to claim your protection as a member of the College, and to seek your opinion on the conduct of Mr. Liston, in going out of his way in the testimonial to make an attack on myself of a nature calculated to do me professional injury, when, as I maintain, and am, with your permission, prepared to prove, it has no foundation whatever.

I have the honour to be,

Mr. President and Gentlemen,

Your very obedient and humble Servant,

15, Saville-row, March 30, 1842.

JAS. YEARSLEY.

“Royal College of Surgeons in London,

“SIR,

“March 14, 1842.

“The President yesterday laid before the Council of this College your letter of the 30th ultimo, complaining of a certificate given by Mr. Liston to Mr. Hunt. And I am directed to acquaint you that the Council have invariably refused to interfere in disputes between members of the College, and see no reason to depart from their rule upon this occasion.

“I have the honour to be, Sir, your most obedient servant,

“JAMES YEARSLEY, Esq., &c. &c.”

“EDMOND BELFOUR.

15, Saville Row, April 16, 1842.

MR. PRESIDENT AND GENTLEMEN,

I regret that you should have interpreted my complaint as a mere “dispute between two members of the College.” I beg distinctly to state that I have no dispute with Mr. Liston. In a testimonial given to an unprofessional man, Mr. Liston chose to reflect upon certain operations which I had originated, denominating them “unwarrantable incisions,” and “horrible mutilations.” I required an explanation, which was refused me. Apart from this uncourteous conduct I deemed myself injured, and unjustly aspersed, and I arraigned my asperser before you, at the same time inviting inquiry into my own professional conduct, expecting that if I had done aught discreditable to me as a surgeon, or as a member of the College, to meet with your disapprobation—if I had done right, to meet with the expression of your sympathy under the wrong I suffered. On the other hand, if Mr. Liston had compromised himself, that *he* should be visited with your censure, and be required to make the *amende* due from one professional man to another.

These are the simple facts. Your not entertaining my appeal leaves me without faith or reliance on that regulation of the College which promises protection to its members, and which led me to seek it at your hands.

I have the honour to remain,

Mr. President and Gentlemen,

Your very obedient and humble Servant,

To the President and Council, &c.

JAS. YEARSLEY.

P.S. In refutation of Mr. Liston's, and in confirmation of my own statement, I beg to append the opinions of a few gentlemen who have witnessed my operations. And I beg further to say that, if necessary, testimony, equally conclusive and favourable, could be multiplied to an almost indefinite extent :—

"MY DEAR SIR, "14, Manchester-square, March 11, 1842.

"I think it but just to you to state, that I feel myself deeply indebted to you for your treatment of my little boy : his deafness is removed, his articulation greatly improved.

"I am, my dear Sir, yours very truly,
"James Yearsley, Esq." "MARSHALL HALL.

"DEAR SIR, "18, Saville-row, March 20, 1842.

"In answer to your note, I have to state that, in compliance with an invitation from you, I was present in the spring of last year with a number of other professional gentlemen, to witness several operations performed by you on the fauces for the relief of stammering ; and I have much pleasure in stating, that the operations were performed with great care and dexterity ; and that if the operations were not successful in obtaining the objects in view, they did not appear to me to be calculated to do any harm.

"I remain, dear Sir, yours truly,
"J. Yearsley, Esq." "HENRY DAVIES, M. D.

"DEAR SIR, "16, Grafton-street, Bond-street, March 11, 1842.

"In reply to your inquiries, I have no hesitation in stating, that on several occasions when I have sent patients for your advice, you materially relieved them without operations, and in one instance more especially, where if you had been fond of incising tonsils you might have done so, your advice was entirely opposed to surgical interference.

"You will perceive that I confine myself strictly to facts. To deafness and stammering I have never paid any attention, and I cannot therefore give any opinion on the physiological and surgical excellence of your treatment.

"I am, dear Sir, yours truly,
"J. Yearsley, Esq." "SAMUEL ASHWELL.

"MY DEAR SIR, "1, St. Helen's-place, March 15, 1842.

"I consider that the profession are much indebted to you for the open and liberal manner in which you have at all times demonstrated your operations and results in regard to stammering ; and I consider that the immediate results of the operations were so decidedly favourable, and the character of the operation itself so harmless, as quite to justify you in performing it.

"Yours truly,
"James Yearsley, Esq." "SAMUEL SOLLY.

"DEAR SIR, "2, New Bank-buildings, March 16, 1842.

"My opinion of your operation for the removal of permanently enlarged tonsils, is entirely favourable ; and, I may say, as a consequence of your operating on my son, a boy of fourteen, in my presence.

"The hesitation in his speech was always considered nervous, and therefore, however some vague *hope* might have entered into my mind, I did not *expect* relief in that particular from your operation.

"His tonsils met in the centre of the fauces ; the intonation of his voice was snuffling, nasal, and disagreeable ; his nights were occasionally frightful, and at best accompanied by talking, and, as it were, struggling with some difficulty.

"After the operation, the hesitation almost ceased, but again became apparent, and is now, though at times only, as bad as ever. His voice is permanently improved, and his nights, though occasionally disturbed, are generally quiet ; and the consequence of this latter has been, a great improvement of his general health, and considerable diminution of the irritability of his temper.

"It was highly satisfactory to me to witness the perfect safety, and great

facility, with which you removed the protruding portion of the tonsil. The subsequent inconvenience was trifling, and entirely subsided on the third day. The present appearance is perfectly natural on that side; and as soon as the boy begins to take interest in himself, I intend to advise him to solicit your further assistance as to the opposite tonsil.

"I remain, dear Sir, obliged, and faithfully yours,
"James Yearsley, Esq." "W. KINGDON.

"DEAR SIR, "21, Bolton-street, March 12, 1842.

"I cannot have any hesitation in bearing testimony to the frank and liberal manner in which you invited the profession to witness your operations, examine your patients, before and after you had operated, and the absence of any effort to conceal, or in any way disguise, the *results*.

"I stated publicly at the time, and I have pleasure in repeating it, that I can conceive no proceeding more calculated to entitle you to the thanks of the profession.

"I am, dear Sir, yours, very truly,
"To James Yearsley, Esq." "RUTHERFORD ALCOCK.

"DEAR SIR, "7, New Broad-street, March 15, 1842.

"In reply to your inquiry, I beg to state that, at your invitation, I have visited you, and witnessed your operations for the cure of stammering, and that I did not see you perform any operation which was likely to be injurious to the patient.

"I am, dear Sir, yours, very truly,
"J. Yearsley, Esq." "GILBERT MACMURDO, F.R.S.

"Manchester-street, Manchester-square,
"March 19, 1842.

"DEAR SIR,
"I believe I have performed every operation recommended for the cure or relief of stammer; and, as I have already stated in the *Provincial Medical and Surgical Journal*, those operations for excision of the uvula and of the tonsils, have been attended, in many instances, with a good result.

"In careful hands the removal of the tonsils is a simple, and almost bloodless operation. The removal of the uvula is a simpler proceeding.

"I am, dear Sir, yours, faithfully,
"P. BENNETT LUCAS.

"DEAR SIR, "1, Mount Place, April 2, 1842.

"In answer to your communication respecting the operations which I witnessed at your house last spring, I beg to state that I saw nothing of a serious nature, or likely to prove in any way injurious, to the patients.

I am, dear Sir, yours respectfully,
"J. Yearsley, Esq." T. B. CURLING.

"MY DEAR SIR, "Vigo-street, March 10, 1842.

"Agreeably to your wish, I have examined upwards of two hundred patients living in the Metropolis and its neighbourhood, upon whom you have operated for defective speech—many of them had been operated on full twelve months ago, and not one less than six months;—in no instance did I discover that any injury or inconvenience had resulted from the operations, or that any of the functions in which the throat is concerned had been impeded in the slightest degree. In those cases in which the uvula had been excised, the voice was generally stronger, and of better quality than before. In those who were singers, the compass of the voice was declared to have been increased. The dyspnœa and pain at the chest which generally attend stammering, had been in almost every case relieved. In cases where the tonsil glands had been enlarged, and in consequence removed, the parties expressed themselves relieved of the discomfort to which such morbid conditions give rise. I enclose you a list of patients which I have visited, and every one testifies to their early and perfect recovery (generally in three or four days) from the effects of the operation.

"Believe me yours very faithfully,
"James Yearsley, Esq." "W. TYLER SMITH, M.B.

Before taking leave of this subject, I must be permitted to indulge in two or three additional remarks to those contained in my communications to the Council of the College of Surgeons on the conduct of Mr. Liston.

And, first, I would submit whether a man who has so recently figured before the profession as the operator on the unfortunate boy who bled to death at University College Hospital (see the Medical Journals), in consequence of an aneurismal tumor having been mistaken for a common abscess!—whether such a person, in the next moment, should presume to parade himself, or suffer others to parade him, as a “high authority,” and revile operations which in due season I shall show have alleviated much suffering and inconvenience, without ever having occasioned present or subsequent injury to my patients?

In the sad case of the poor boy, Mr. Liston took great pains to prove it an anomaly, rather than a mistake; rank cowardice! Were such a man to be justly denominated “a high authority,” he surely might have afforded the matter to be looked upon in its true light, an error of judgment (to which the best of us are subject), instead of, by a jesuitical defence, making an excuse for himself; and, what may be still worse, for all others who may hereafter commit similar mistakes.

In regard to the principle of giving testimonials, I believe it to be a growing opinion that men who thus puff themselves are the greatest enemies of the profession. Such men, and such certificates, given in many instances to unprofessional men on professional subjects, and in favour of secret remedies, may be seen in almost every advertising sheet in the kingdom. They are, in truth, the great upholders of quacks and quackery. They afford as powerful a sanction as diplomas could do, and they wound the dignity of the profession, at the same time that they lead the public to look for medical relief at other hands than those of the legal practitioners of medicine. In the case in question, the “if you will puff me, I will puff you,” is so glaringly evident as to leave little doubt of the perfect understanding between the parties.

Mr. Liston complains that the public appeal to him, not for the exercise of his judgment, but for his manual dexterity—to use his own expressions—“to carve and to butcher them.” Can this be wondered at, when that judgment leads him into such errors as are recounted in this correspondence?